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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CP 556

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983Name Grigsby, Jonathan

(Last)

(First)

(Initial)

Prisoner Number T-61830Institutional Address P.O. Box 1050 D6-205
Salinas Valley State Prison
Soledad, CA 93960**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**Jonathan Grigsby

(Enter the full name of plaintiff in this action.)

CV 08

1475

vs.

Case No.

(To be provided by the clerk of court)

Robert Hovel, Darren Bradbury,
Bonnie Samples, et al., sued
in Individual on Official capacity
all named page 3

(Enter the full name of the defendant(s) in this action.)

**COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C §§ 1983**

CRB

(PR)

[All questions on this complaint form must be answered in order for your action to proceed..]**I. Exhaustion of Administrative Remedies****[Note:** You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]A. Place of present confinement Salinas Valley State Prison

B. Is there a grievance procedure in this institution?

YES ☒ NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES ☒ NO ()

D. If your answer is YES, list the appeal number and the date and result of the

log numbers 07-00611 log number 07-01519

appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

1. Informal appeal both denied

2. First formal level denied both

3. Second formal level denied both

4 Third formal level denied both

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☒ NO ()

F. If you did not present your claim for review through the grievance procedure, explain why.

II. Parties

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

Jonathan Bragley T-01830 D6-205
Salinas Valley State Prison P.O. Box 1050
Soledad, CA 93960

B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

Robert Horel - Warden, Darren Bradbury - Captain, M. Smelovsky - Assoc. Warden
N. Thiem - Correctional Counselor II, N. Grammis - Chief Inmate Appeals, D. Kerr -
Sergeant, % S.D. George, C. Wilber - Appeals Coordinator, B. Samples - Correction
Counselor II, Sergeant J. Pieron, M.J. Timrod - Assoc. Warden, % Blagdell,
% Tincer, % Diaz, P. Conner - mail room supervisor, M. Cook III - Warden(A)

Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

This 1983 civil complaint is against correctional officers Blagdell, Tincer, and Diaz. They are regular officers in B3 E.O.P. building. This initially started because on June 18, 2007 I need to file a 602 appeal. I saw a inmate request for interview form CDCR GA-22 that for requesting information or seeking a interview with a CDCR employee.

1) This form was sent out June 5, 2007 for interview with R & R sergeant. I went to correctional officer office look for some forms when I got there I saw my GA-22 from June 5, 2007 still not sent out because the date I'm in office is June 18, 2007 and I ask regular officers Blagdell, Tincer, and Diaz why they aren't sending out my privilege mail, institutional mail that can be used a legal document in Federal Court. (continued sheet)*

IV. Relief

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

I'm asking for compensatory damages \$5,000 from each defendant, I also

(2) I got into exchange words with 3 officers and I was told to leave the office or I'd be wrote up a 115 disciplinary report. I also mention in exhaust administrative appeal to 3rd level. I explain to N. Grammis the chief inmate appeals the issue with inmate request GA-22 which is document that can be used as legal document in this case.

(3) The formal level on appeal E-07-01519 that dated July 6, 2007 I explain I'm dissatisfied. Specifically speaking about actions of 3 officers who were under color of state law in processing my inmate request for interview and because of not processing my request for interview me to mention issue of my mother sending me priority mail package costing

(4) #9.40 sent from Inglewood, CA on May 15, 2007 and I don't receive it until May 31, 2007 I spoke of untimely holding or not processing my mail or priority mail in timely manner which is brought up to appeals coordinator C. Wilber attention and he and D. Bradbury captain and associate warden M. Nimrod still denied my 602 at first level

(5) And not any investigation or inquiry was made in regards my claims which is due process violation being institutional mail is being held not sent to person or office requested. So when I received the 2 week late #9.40 priority mail it was appropriate to mention these officer actions toward policy and procedure need to be reported.

(6) I have filed 2 other mailroom supervisor issues addressed in 602 appeals log numbers 06-02084, 06-03230, and missing never return appeal log number E-06-02888. P. Carver and her subordinates are in violation of my 1st amendment and 14th fourteenth amendment rights and show they were under color state law.

(7) Because just about 3 weeks prior May 31, 2007 the priority mail issue. Then for regular officers Blagdel, Tinner, Diaz not sent out my inmate request to R & R sergeant I filed appeal for violation of priority mail and not processing institutional mail which shows they acted under color state law.

(8) I believe based on information and belief actions as reprisals or retaliation for filing civil action CV07-2833. I have (exhibit 1) a document showing date I filed inmate request 6/5/07 that for my records to show constant not responding to CDCR form GA-22 that we inmates are told to use also?

(9) To show violations of due process and disregard for policy procedure as outlined in title 15 I showed 3 officers the inmate request for interview specified to officer Blazdell, Tincer, Diaz and they had nothing to say. I also show them my (exhibit 2) which is priority mail exhibit showing it was mailed May 15, 2007 and it has a certified card attached that I'm suppose to sign and send

(10) Back to my mother to show I received priority mail? I never signed that certified card. Sergeant Pieren, Captain D. Bradbury, Associate Warden M. Nimrod all acted under color of state law when they ignored my 602 citizen complaint. I never receive investigation or do any where in first level formal response all ranking officials violate my due process and first

(11) Amendment rights. I'm entitle to redress grievance of state or government and freedom of free speech. Pelican Bay officers and staff refuse to investigate issues that show error or miscarriages of justice had things in error to inmates. This part of policy and procedure just read (exhibit 3) 602 appeal E-07-01519 that more of my issues are address.

(12) Before I explain violations of due process and equal protections issues in 2nd level review. Let me bring your attention to screen form 695 dated June 20, 26, 2007, July 2, 5, 2007? This are important because Bonnie Samples sign these screen forms saying she signing for appeals coordinator on first

(13) Three dated 6/20 6/26 7/2 /2007? By the 3rd screen form just the signature of appeals coordinator is on July 05, 2007 screen form. Again on first 3 Bonnie Samples is telling me or dictating to me what can be citizen complaint and what cant? Speaking for appeals coordinator B. Samples is acting under color of state law tell me I dont decide what is citizen

(14) Complaint and who makes that determination? Let me "Quote exactly what B. Samples states for appeal coordinator C. Wilber", "I Quote Obtain an informal response from housing unit staff relative to processing of your outgoing institutional mail. That's date 6/20, 6/26 2007, 7/2/07 states the 7/2/07 screen form 695 says "I Quote You do not decide when an appeal is to be processed as a staff complaint.

(15) This appeal has been designated as a mail issue you may obtain an informal response as previously requested or cause your appeal to be cancelled due to your refusal to cooperate? UnQuote", In title 15 California Code of Regulations title 15 subsection 3084.1 Right to Appeal states any inmate under the department jurisdiction may

(16) Appeal any departmental decision, action, condition, or policy which they can demonstrate as having an adverse effect upon their welfare. All CDCR employees mentioned paragraph 10 acted under color of state law based on 1st and 14th amendments to deprivation of freedom of speech an right to petition government for redress of grievance and due

(17) Process clause and equal protections clause of 14th amendment. The 3 officer Blasdel, Tiner, Diaz along with ranking officials that are mention in paragraph 10 acted under color of state law and caused serious deprivation of 1st and 14th amendment rights.

(18) The fact of matter is that on June 18, 2007 I filed citizen complaint 832.5 which it states in 3084.5 Level of Appeal Review and Disposition in (3)(G) says Informal level shall be waived for appeal of alleged misconduct by a correctional officer or CDCR employee?

(19) For officers and named ranking officials to press or emphasize issue of getting informal response show malice action of all mentioned. It gets worst and policy and procedure outlined in regulations my rights are constantly denied. At 2nd level of review Sergeant J. Pieren lies stating on August 10, 2007 he interview me? That's a lie because on August 8, 2007 I tried to commit suicide by cutting both of

(20) My wrist receiving 26 stitches 11 in my left and 15 in my right wrist. So I'm sure if I would have seen by Sergeant Pierem while I was recovering in Pelican Bay suicide watch. I would remember him coming to see me. Just as date says I filed my complaint to 2nd level response the first time seeing or receiving my appeal 07-01519 was on September 6, 2007.

(21) And I was moved from Pelican Bay prison hospital to Acute Psychiatric program at California Medical Facility Vacaville prison on August 20, 2007 and after being there 17 days I received (exhibit 3) my citizen complaint filed on July 18, 2007. I did not get first formal denied until September 6, 2007.

(22) which violates policy and procedure outlined in California Code of Regulations 3084.6 Appeal Time Limits (2)(3) First level response shall be completed within 30 working days, 2nd level response shall be completed within 20 working days or 30 days if First level is waived. The first level was alleged to be investigated by Sergeant Q. Pierem on

(23) August 10, 2007 which is a lie! Because I was in suicide watch entire time from 8/8/07 til 8/20/07 day I transferred to Acute Psychiatric program in Vacaville for trying to kill myself by receiving 26 stitches in my wrist 11 in left 15 in my right wrist. At second level of review Warden Robert Dorel, Appeals Coordinator C. Wilber actions

(24) show they acted under color of state law in depriving me due process and first amendment to petition government for a redress of grievances? Because Pelican Bay refuses to send my personnel property the inmate request in question is missing that was with my legal property. Based on information and belief of civil rights lawsuit 07-2833

(25) On same constitutional violations 1st and 19th if you read my continued section F you'll notice another serious issue arises that it shows or explains a Sergeant name Johnson signs a mail disapprove form as a Facility Captain stating his taken my 1st cent stamp that my mother sends me he takes 200 1st cent stamps?

(26) This action further shows violation of my due process and chance to show C. Wilber and warden Robert Horel the reprisals and retaliation that against me for filing 602 complaint exposing deliberate indifference failure to act. This also shows bias prejudice actions of C. Wilber appeals coordinator P. Carver mailroom supervisor also all named pelican bay

(27) Employees in paragraph 10 all acted under color of state law and deprive me of my 10th and 14th amendment rights and shows the mindset of these employees under warden Robert Horel showing my rights are violated and nobody investigates my claims are even look at my exhibits 1, 2, and 3 that show impartial action by all name in this civil action.

(28) Also if you read my describe problem in sections A, D, F, and H you'll notice not one investigation or inquiry is look at or explanation given to refute my claims. From initial start of citizen complaint against 50's Blagdel, Timer, Diaz, ranking officials D. Bradbury, M. Nimrod, C. Wilber, J. Piersen, B. Samples, and Warden Robert Horel

(29) Never attach any of documents I requested to show negligence of all appeals coordinator C. Wilber, Captain Bradbury, or Associate Warden M. Nimrod all fail to due there jobs as impartial ranking officials bent on exposing violations of rights of inmates or fact finding inquiry to determine the truth.

(30) Again if you look at screen form dated June 26, 2007 again you'll notice the entire time from initial start of citizen complaint E-07-01519 date June 18, 2007 all appeal coordinator keeps trying to emphasize is I need a informal level response? which I've show in title 15 California Code Regulations in 3084.5 in paragraph 18 ~~shows~~ shows my rights.

(31) Paragraph 15 and 16 I state my right to appeal and what these rule and regulations are that are suppose to be policy procedure again name defendants show the acted bias, prejudice, and impartial and were all under color of state law which shows deprivation of my constitutional rights 10th & 14th

(32) Amendments. Again before I go into 3rd level decision and show how my due process is cut right denied ignored and no investigation or inquiry was made by Chief inmate appeals N. Grammis. Let me first show and state for Federal Court record that Bonnie Samples, Robert Hovel, C. Wilber, an N. Grammis refuse to look at evidence or exhibits that show

(33) Beyond reasonable doubt that there was action by ranking officials in Pelican Bay and Chief inmate appeals N. Grammis in Sacramento is guilty as well for deliberate indifference failure to act. Page #8 § 6 refer screening forms CDC 695 dated 6/21, 6/27, 6/26 of 2007.

(34) In these rescreening form I explain again to B. Samples that title 15 rule 3084.5(3)(G) states informal level is waived. All that is being said or wrote to me is trying to tell me I need a informal level response. In paragraphs 15 § 16 speak for itself policy and procedure outlined. At bottom of #6 I tell B. Samples and D. Bradbury there conflict of interest as they are defendants in civil lawsuit CV 07-2566 including 602 appeals 05-02690, 05-02610, 05-02829.

(35) On November 11, 2007 I submitted (exhibit 3) to 3rd level to Chief inmate appeals N. Grammis for review and investigation. If you read my section #1 and continue page again you'll notice I speak on violations of time constraint to process my appeal at second level which its suppose to be 20 working days.

(36) Its exactly 2 months between dates of first formal review and date submitted for second level review September 6, 2007. I've said it multiple times through this civil action that 3084.6 Appeal time limits(3) states second level review shall be completed in 20 working day or 30 days if first level is waived? And I've copy to show I first was denied and I never was interview any time during the

(37) Alleged investigation. For some reason Robert Hovel warden and C. Wilber appeals coordinator and B. Samples partially grant me appeal stating I ask for 119 legal log copy and that was granted so my appeal was partial granted? No where in my complaint do I ask for copy of my 119 legal log. When it time for trial or discovery I produce priority mail package showing log number and certified attached.

(36) The second claim is equally important and show that the following CDCR ranking official at Pelican Bay violate my 1st amendment right to petition the government for a redress of grievance and due process clause of 14th amendment an equal protection under these laws.

(39) First issue is correctional officer S. George on December 4, 2006 pick-up outgoing legal mail that was addressed to State Bar Association Chief Trial Counsel a complaint against my public defender in alleged assault case 055263 out Del Norte Superior Court Mino Desolemi is his name.

(40) When I filed this complaint that had exhibit showing ineffective assistance counsel and complaint how I was made to take a plea deal that I did not want to take. After one month went by and I never received response from State Bar. I started making inquiries to mailroom supervisor P. Carrier no response. I waited til February expecting to receive a log number or letter or

(41) Something saying they received my complaint. Because I prior had file complaint against mailroom for visiting opening my legal mail or harassment (exhibit A) is letter I wrote to my mother asking her to fax this letter asking them to find out and get a response to if they received my complaint filed

(42) December 4, 2006 that correctional officer S. George said he mailed. On or about February 14, 2007. I receive a letter (exhibit B) from State Bar Association Office of the Chief Trial Counsel. Intake saying they never received my letter dated December 4, 2006. When I received that letter I couple days later February 21, 2007 filed a citizen complaint

(43) Asking Sergeant D. Kerr to investigate my complaint. I have mind you already been complaining of my legal mail opened and read documents pertaining to small claims case 06-2139 never reach Del Norte Superior Court or reasonable ever explained.

(44) Based on information and belief my mail was being trashed or lost or not sent to where I address it too. And receiving (exhibit B) from State Bar proved that 602¹⁵ P-06-02084, P-06-03230, an E-06-02888. Based on facts that I was fighting alleged assault on correctional officer and was in

(45) Psychiatric Housing Unit (PSU) Shu unit. D. Bradbury, M. Smelosky, D. Kerr all acted under color of state law when they out right denied my citizen complaint first off which I was made to get informal level when I stated clearly across top of 602 this was citizen complaint. I also had (Exhibit A)

(46) Letter I sent to my mother who faxes this to State Bar California Office of the Chief Trial Counsel. Intake asking for response to my December 4, 2006 complaint on Bino Desolemmi. (Exhibit B) is dated February 14, 2007 and states my legal mail never reached the State Bar based on (Exhibit B)? Correctional Officer S. George, D. Bradbury, M. Smelosky, M. Cook.

(47) All acted under color of state law and denied my first amendment rights to petition California Department Corrections & Rehabilitation (CDCR) for grievance and due process clause equal protections clause show my constitutional rights were ignored and overlook. Basically Sergeant D. Kerr, D. Bradbury Captain, Associate Warden M. Smelosky, Warden M. Cook (48) All agree that just because Sergeant D. Kerr made copy of page station that covers S. George because he wrote in alleged log book the alleged pieces of legal mail bag. Based on information and belief Sergeant D. Kerr could have made copy of page just same day he called his self investigating my claims.

(49) There response on 1st level response show they acted under color of state law and deprive me 1st & 14th constitutional right emphasis on due process and specific continued sheet marked D continued explain how confidential mail is being opened and read and I name other 602 complaints on mail issues. Specific 06-02084, 06-03230 which are a civil right to civil action

(50) CV07-2833 which I'm having problems getting motions filed in Federal Court or important documents being filed in court record. On 2nd level response N. Thron CCA staff reviewer who's first conflict of interest in my opinion being I filed citizen complaint against her for deliberate indifference failure to act in civil action CV07-2566 and here again she is again violating my rights and just co-signing on same things Sergeant D. Kerr

(51) Said (exhibit A & B) show without shadow of doubt my legal mail reach
2 its destination. Pelican Bay is known for destroying inmates mail and
3 pattern of abuses against inmates with alleged assaults on correctional
4 officer and inmates who write citizen complaints and appeals

(52) Violation of inmates rights and constitutional rights violated all
6 the time. N. Threm, M. Cook acting warden was under color of state law
7 when they denied my due process or impartial investigation into my mail
8 and legal mail issues.

(53) A good example of malice sadistic actions of Pelican Bay officer
10 and mailroom supervisor are violating rights on 602 appeals like first
11 mentioned in first claim in this civil action. N. Grammis the Chief inmate
12 refuse to look at evidence or take other facts into account and he/she Chief
13 inmate appeals acted under color of state law

(54) He/she refuses to look at evidence or take other facts into account
15 specifically (exhibits A & B) and my constantly mentioning the violation of my
16 rights and due process clause of 14th amendment.

Claim For Relief

(55) (First Amendment Violation - abridging the Freedom of Speech -
19 And to petition the State CDC for Redress of Grievances)

(Fourteenth Amendment No State shall make or enforce any law
21 which shall abridge the privileges or immunities of citizen of United
22 States; nor shall any state deprive any person of life, liberty, or property
23 without due process of law; nor deny to any person within its jurisdiction
24 the equal protection of the laws;

(56) Plaintiff refers to and incorporates by reference herein the allegations of
26 paragraphs 1 thru 54 inclusive. Which show a serious miscarriage of justice and
27 refusal to look at evidence and facts and make a impartial response to 602 appeals
28 process. Plaintiff is informed and believes and thereon alleges that all name
29 defendants have acted intentionally in manner described above as due process violation
30 and refusal to let me address issues thru administrative grievance remedy with out

(57) Bias, prejudice actions by defendant. Defendant's conduct violates 42 U.S.C. § 1983 because that conduct constitutes deliberate indifference failure to act or lack of inaction violates 1st & 14th amendment rights.

(58) As a proximate result of defendant's conduct plaintiff has suffered emotional distress and callous disregard for policy and procedures outlined in title 15 Code of Regulation and federal protected rights of 1st & 14th amendment entitle plaintiff to an award of exemplary punitive or compensatory damages

Prayer For Relief

Wherefore, Plaintiff Jonathan Brigobry prays for judgment against named defendants as follows:

1. For Declaratory & Injunctive Relief to prevent similar actions of: ~~investigating inmates~~ investigating inmates evidence and witnesses to refute claims against the inmate.
2. For general damages according to proof,
3. For emotional distress according to proof,
4. For punitive damages according to proof,
5. For compensatory damages according to proof,
6. For nominal damages according to proof,
7. For reasonable attorney fees pursuant to 42 U.S.C. 1988
8. For cost and suit and;
9. For such other and further relief as the court may deem just and proper

All administrative remedies have been exhausted to 3rd level
Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on ~~September 5~~ March 9, 2008

Date March 9, 2008

Jonathan Brigobry Pro-Pu

1 want punitive damages in amount of \$6,000 from each defendant, and nominal
2 damages in amount of \$2,000 each defendant. I also want declaratory relief
3 and injunctive relief to stop future CDCR employees from violating a
4 inmates 1st and 14th amendment to file grievance against state or govt.
5 agency? And due process clause of 14th amendment equal protections under
6 those laws. from defendants in both claims same relief

7 I declare under penalty of perjury that the foregoing is true and correct.

8
9 Signed this 9th day of March, 2008

10
11 Jonathan Brigaluy

12 (Plaintiff's signature)

J. Grigsby
7-61830 DB-205
San Joaquin Valley State Prison
P.O. Box 1050
Soledad, CA 93960

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NORTHERN DISTRICT OF CALIFORNIA
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